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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/893,132   | 06/27/2001  | Hans Graan           | 4925-116            | 4044             |
| 7590   | 11/10/2005  |                      | EXAMINER            |                  |
| COHEN, PONTANI, LIEBERMAN & PAVANE<br>551 Fifth Avenue, Suite 1210<br>New York, NY 10176 |             |                      | NGUYEN, HUY THANH   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2616                |                  |

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                           |                     |
|------------------------------|---------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>    | <b>Applicant(s)</b> |
|                              | 09/893,132                | GRAAN, HANS         |
|                              | Examiner<br>HUY T. NGUYEN | Art Unit<br>2616    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 9 is/are allowed.  
 6) Claim(s) 1,6,8,10-15,19,20,22 and 24 is/are rejected.  
 7) Claim(s) 2-5,7,16-18,21 and 23 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/27/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6,10-12, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Brewer et al (6,157,771).

Regarding claims 1,10-12 and 22, Brewer discloses a method and an apparatus for performing a jump function to a desired time point in a digital audiovisual file comprising:

adding recording headers in the audiovisual file on the storage medium, wherein the recording headers are distinct from a data stream of the audiovisual file (column 3, lines 45-68); and

b) calculating an estimated storage position on the storage medium of the desired time-point (column 10, line 35 to column 11, line 10)-

c) jumping to the estimated storage position (column 3, lines 45-68, column 11, lines 55-65, column 12, lines 25-35);

d) finding a recording header near the estimated storage position;(Figs. 3-4,9

- e) reading a timestamp in the recording header (column 11, lines 25-68)
- f) determining if a time point indicated by the timestamp is within a predetermined time of the desired time point (column 12, lines 25-53); and
- g) re-calculating an estimated storage position (column 12, lines 30-45); and repeating steps (c) through (g) (column 12, lines 1-25, column 17, lines 46 to column 16, line 27, Figs. 3).

Further for claim 22, Brewer further teaches the audiovisual file is in Moving Pictures 2 Expert Group (MPEG) format (column 11).

Regarding claims 6 and 20, Brewer further teaches the method as recited in claim 1, wherein the re-calculating an estimated storage position sub-step of step (g) further comprises:

calculating a delta distance (950), Fig 8, wherein the delta distance may be a positive or negative number; and

calculating a new estimated storage position by adding the calculated delta distance to the current estimated storage position (column 3, lines 45-68, column 14 lines 45 –57, column 19).

Regarding claims 8 and 15, Brewer further teaches the method as recited in claim 1, wherein the audiovisual file is in Moving Pictures 2 Expert Group (MPEG) format (column 11).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer in view of Lowell (6,012,086).

Regarding claims 13 and 14, Brewer fails to specifically teach that the storage medium is a non-volatile memory.

However it is noted that using a non volatile memory such as a hard disk, an optical disk, or a solid-state memory for audiovisual file is well known in the art as taught by Lowell (column 8, lines 30-50, Fig. 1). Therefore it would have been obvious to one of ordinary skill in the art to modify Brewer by using a optical disc or hard disc as an alternative to the medium of Brewer for storing the audio and video data .

5. Claims 5 ,19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer in view of Kenney (6,144,691).

Regarding claims 5 ,19 and 24, Brewer fails to specifically teach wherein step (g) further comprises:

determining a number of iterations of steps (c) through (g) that have been previously performed; and

ending the method if the determined number of iterations exceeds a predetermined limit.

However it is noted that using software for controlling limiting the iterations of steps of a method is well known in the art as taught by Kenney (column 9, line 65 to column 10). Therefore, it would have been obvious to one of ordinary skill in the art to modify Brewer with the teaching of Kenney by provide the apparatus of Brewer with stored software instruction as means for ending the method when a number of iteration being exceeding a predetermined limit thereby enhancing the capacity of the apparatus of Brewer to prevent the iteration of the steps from being an infinite task .

Further for claim 24, Brewer teaches the method as recited in claim I, wherein the re-calculating an estimated storage position sub-step of step (g) further comprises:

calculating a delta distance (950), Fig 8, wherein the delta distance may be a positive or negative number; and

calculating a new estimated storage position by adding the calculated delta distance to the current estimated storage position (column 3, lines 45-68, column 14 lines 45 –57, column 19).

***Allowable Subject Matter***

6. Claims 2-5,7,16-18, 21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 9 is allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY T. NGUYEN  
PRIMARY EXAMINER